

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:19-CV-156-D

JOANN ARTIS STEVENS,

Plaintiff,

v.

TOWN OF SNOW HILL, N.C.,
COUNTY OF GREENE, N.C.,
LENOIR COMMUNITY COLLEGE
AND FOUNDATION, N.C.,

Defendants.

ORDER

On October 21, 2019, Joann Artis Stevens (“Stevens”), proceeding pro se, filed a motion to proceed in forma pauperis in an action against defendants Town of Snow Hill, N.C., County of Greene, N.C., and Lenoir Community College and Foundation, N.C. [D.E. 1]. On November 5, 2019, the court referred the motion to Magistrate Judge Jones for frivolity review [D.E. 5]. On September 17, 2020, Magistrate Judge Jones issued an Order and Memorandum and Recommendation (“M&R”) and recommended that plaintiff’s claims in count one, two, and three be dismissed, and that plaintiff’s complaint be allowed to proceed on its remaining claims [D.E. 9]. On October 1, 2020, Stevens objected to the M&R [D.E. 11].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that

there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff’s objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear error on the face of the record. As for the objections, the court has reviewed the objections and the M&R de novo. The court agrees with the analysis in the M&R, and the court overrules as meritless Stevens’s objections.

In sum, plaintiff’s objections to the M&R [D.E. 11] are OVERRULED. The court GRANTS plaintiff’s motion to proceed in forma pauperis [D.E.1]. Plaintiff’s claims in counts one, two, and three alleging claims under 18 U.S.C. §§ 241, 242, and 245 are DISMISSED. The court ALLOWS plaintiff’s complaint to proceed on its remaining claims. The clerk is DIRECTED file the complaint and to issue the summons prepared by plaintiff. The U.S. Marshal is DIRECTED to serve the summons and a copy of the complaint on defendant.

SO ORDERED. This 19 day of October 2020.



JAMES C. DEVER III
United States District Judge